

OCCUPATIONAL LICENSING: ASSESSING STATE POLICY AND PRACTICE

REQUEST FOR APPLICATIONS

Occupational Licensing Policy Learning Consortium

IMPORTANT INFORMATION

Purpose: To help states improve their understanding of occupational

licensure issues and best practices; identify current policies that create unnecessary barriers to labor market entry; and create an action plan that focuses on removing barriers to labor market entry and improves portability and reciprocity for select occupations.

Applications Due: Monday, August 21, 2017, by 5:00 p.m. ET

Selection Announcement: Friday, September 29, 2017

Funding Available: No direct funding available, but a variety of significant technical

assistance resources will be provided and eligible travel expenses to national meetings will be reimbursed for state project staff.

Period of Performance: October 2017 – December 2019

First Consortium Meeting: December 4-6, 2017 in Tucson, AZ

Applicants' Webinar: Monday, July 10, 2017 from 3:30-4:30pm Eastern

Webinar registration: https://tinyurl.com/StatesLicense

Eligibility: All states, commonwealths and territories

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National Governors Association Center for Best Practices

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PURPOSE

The Council of State Governments (CSG), National Conference of State Legislatures (NCSL), and National Governors Association Center for Best Practices (NGA Center) ("the Partners"), with support from the US Department of Labor (USDOL), will assist participating states, commonwealths, and territories ("states") in improving their understanding of occupational licensure issues and best practices; becoming familiar with and discussing the existing licensing policies in their state; identifying current policies that create unnecessary barriers to labor market entry, especially for certain populations; and creating an action plan that focuses on removing barriers to labor market entry and improves portability and reciprocity for select occupations.

BACKGROUND

Over the last 60 years, the number of jobs requiring an occupational license, or government approval to practice a profession, has grown from about one in 20 to more than one in four. When implemented properly, occupational licensing can help protect the health and safety of consumers by requiring practitioners to undergo a designated amount of training and education in their field. However, differences and disparities in occupational licensing laws across states can create barriers for those looking to enter the labor market and make it harder for workers to relocate across state lines. Certain populations—including military spouses and families, immigrants with work authorization, people with criminal records, and unemployed and dislocated workers—are especially affected by the requirements and variances of occupational licensing.

EMPLOYED WORKERS
25.5% HAVE A
CERTIFICATION OR LICENSE

UNEMPLOYMENT RATES

2.7% FOR LICENSED JOBSEEKERS **6.1**% FOR UNLICENSED JOBSEEKERS

Since most occupations are licensed at the state level, licensed practitioners typically must acquire a new license when they move across state lines. This can entail various procedural hurdles, such as paying fees, filling out administrative paperwork, and submitting an application and waiting for it to be processed. Moreover, since each state sets its own licensing requirements, these often vary from state to state, and licensed individuals seeking to move from one state to another often discover that they must meet new qualifications (such as education, experience, training, testing, etc.) to continue to work in their occupation. In many cases, there may be no documented procedures or provisions for recognition of licenses from other states. The resulting costs in both time and money can discourage people from moving, or for those who must relocate, may compel them to leave the career.

According to a joint report by the U.S. Department of Treasury Office of Economic Policy, Council of Economic Advisers and Department of Labor, there are substantial differences in the occupations that states

regulate, as well as the share of the workforce that they represent. Most of these differences, according to the report, are due to state policies and not due to demand for the occupation across state lines.

LEARNING CONSORTIUM DESCRIPTION

The Occupational Licensing Policy Learning Consortium ("the Consortium") will improve the understanding of occupational licensure issues among the up to ten participating states by providing a forum for the selected state team members and the expanded stakeholder group to learn about occupational licensing best practices; become familiar with and discuss the existing licensing policies in their state; identify current policies that create unnecessary barriers to labor market entry, especially for military families, immigrants, people with criminal records and unemployed or dislocated workers; and finally create an action plan that focuses on removing barriers to labor market entry and improves portability and reciprocity for select occupations.

The participating state teams will learn, network and discuss the practices, costs, opportunities and challenges related to occupational licensing by, among other things, connecting the state teams with evidence-based research, best practices in the field, possible alternatives to licensure, multi-state comparable data, state-specific data and the ability to network with other states and national experts. Each state in the Consortium will receive technical assistance from the Partners, develop an action plan that identifies strategies to reduce barriers to labor market entry and improve licensure portability and reciprocity, and work toward implementation of the plan. The participating states will be required to create a core team of officials to participate in the Consortium, as well as a broader group of stakeholders that will be involved in the In-State Learning Consortium Meetings described below, webinars and information exchange. Each state will select the specific occupations and target populations to focus on through this work, as well the aspects of licensure regulation that they will address in their action plan.

Achieving improvements in licensure requires a collaborative approach across state government, including the governor, state legislature, and diverse agencies and oversight bodies. To reflect this reality, applicants will need to assemble diverse teams that reflect these executive, legislative, and other organizational entities that play a key role in occupational licensing policy considerations. The Partners that will be providing technical assistance through this opportunity also reflect this need for broad, bipartisan collaboration, as follows:

- CSG is a non-partisan, not-for-profit organization serving all three branches of state government. They partner with a variety of organizations in the public and private sectors on interstate compacts, technical assistance to the states, national and regional research reports, and policy initiatives. Particularly relevant to this project is CSG's National Center for Interstate Compacts (NCIC), which assists states in the development of contracts between states and has overseen the state adoption of approximately 160 CSG-sponsored interstate compacts in the last decade, including licensing reciprocity compacts. The CSG Justice Center's reentry and employment program's work focuses on efforts to improve employment outcomes for people with criminal records.
- NCSL is a bipartisan organization for state legislatures whose members are the 7,383 legislators and all the legislative staff in the 50 states, the District of Columbia, the commonwealths and territories. Their staff members provide research and analysis in many forms that help legislators make sound policy decisions. NCSL conducts national programs and activities related to promoting education, awareness and information dissemination on a wide variety of state issues; including through forming state consortia and providing support to states in developing action plans on a host of different policy issues. NCSL has led consortiums and task force's related to both occupational

¹ U.S. Department of Treasury Office of Economic Policy, Council of Economic Advisers and Department of Labor. Occupational Licensing: A Framework for Policymakers. Washington, D.C.: The White House, 2015.

- licensing and individuals with barriers to success in the workforce. State legislators create the occupational and professional licensing boards, set the public policy governing them and often must review licensing regulations, making NCSL's work particularly relevant for this project.
- NGA is the bipartisan organization of the nation's governors. Its members are the governors of the 55 states, territories and commonwealths. Through NGA, governors share best practices, speak with a collective voice on national policy and develop innovative solutions that improve state government and support the principles of federalism. The NGA Center assists governors and their senior staff members in developing and implementing innovative solutions to public policy challenges, including through in-depth "policy academies" that assist states in achieving successful, tangible outcomes including new executive orders, proposed legislation, new regulations and new programs. The NGA Center's occupational licensing expertise includes a demonstration project funded by the U.S. Department of Labor that engaged governors in streamlining veterans' licensing and credentialing to identify the most efficient processes to transition veterans into civilian employment.

The Partners have developed a list of target occupations that will be a primary focus of this project to help focus the Consortium's work on areas that are likely to best inform the broader field. The selection of these occupations focused on two primary criteria — occupations that are licensed in at least 30 states and occupations that require less than a Bachelor's degree, as well as two additional measures — projected employment growth rate for 2014-2024 at national average or higher and total current employment levels of 10,000 or greater. This process resulted in a total of 34 occupations listed below. Note that states are required to focus on at least four occupations in their proposed project work, a majority of which must be included on this list. However, states are welcome to include one or more other occupations that are particularly relevant to their state's occupational licensing landscape and unique needs.

<u>List of Target Occupations</u>

- Barbers
- Bus Driver (City/Transit)
- Bus Drivers, School or Special Client
- Construction Managers
- Construction and Building Inspectors
- Dental Hygienists
- Electricians
- Emergency Medical Technicians and Paramedics
- Hairdressers, Hairstylists and Cosmetologists
- Heating, Air Conditioning, and Refrigeration Mechanics and Installers
- Heavy and Tractor-Trailer Truck Drivers
- Insurance Sales Agents
- Licensed Practical and Licensed Vocational Nurses
- Manicurists and Pedicurists
- Massage Therapists
- Nursing Assistants
- Occupational Therapy Assistants

- Pharmacy Technicians
- Physical Therapy Assistants
- Pipefitters and Steamfitters
- Plumbers
- Preschool Teachers, Except Special Education
- Private Detectives and Investigators
- Radiologic Technologists
- Real Estate Appraisers
- Real Estate Sales Agents
- Respiratory Therapists
- Security and Fire Alarm Systems Installers
- Security Guards
- Skin care Specialists
- Teacher Assistants
- Veterinary Technologists and Technicians
- Vocational Education Teachers, Postsecondary
- Water and Wastewater Treatment Plant and System Operators

STATE PROJECT ACTIVITIES

Each participating state will be required to undertake a set of activities throughout the Consortium that will help them achieve the project objectives, led by the Partners. The Consortium requires active participation from states, including through the establishment of core and home teams that will execute project work (see content in the following section under "Required Application Content" for additional details and requirements on the composition and roles of these teams) and a strong long-term commitment to implementing the action plans produced through the process. States will be expected to actively participate in the Consortium's activities in the manner outlined below:

- 1. **National and state-specific research**. Participating states will review and study the research conducted by this project before the first multi-state meeting, including the "Enhanced Occupational Licensing Policy Reports for Consortium States," which will assist each state in understanding the current regulatory arena in their states and help them to identify barriers and challenges.
- 2. **In-person, multi-state team meetings**. Participating states will participate in three multi-state meetings for teams of eight key decision makers from each Consortium state. **The first multi-state meeting will take place from December 4-6, 2017 in Tucson, Arizona**. The two to three-day meetings will provide learning opportunities and facilitated team discussions during which state team members will develop, refine and report progress on action plans for work on occupational licensing issues in their own states. Such team meetings foster team-building, cross-cutting collaboration and frank discussions among key decision makers.
- 3. **In-state learning consortium meetings**. In addition to participating in three multi-state meetings, each participating state will participate in up to three in-state learning consortium meetings within their state. These in-state meetings will involve other key stakeholders concerned with occupational licensing issues in each state and will be planned and executed with the intent of implementing the state team action plans.
- 4. **Targeted, state-specific technical assistance**. Partners will provide technical assistance (TA), as requested, to each of the participating states to assist them in implementing their state action plans. Technical assistance will consist of providing resource materials and other requested information, and will also offer each state team the opportunity to request in-state programming with subject matter experts up to two times during the project. This TA will be available on-demand throughout the project and may occur in conjunction with the in-state learning consortium meetings or may occur as separate activities.
- 5. **Consortium webinar series**. Participating states will have the opportunity to participate in a total of nine informational webinars delivered by the Partners. These webinars will provide educational programming to consortium members and a broader audience, including interested decision makers in other states.
- 6. **Intra-state and interstate communication through ongoing conference calls**. Participating states will participate in scheduled conference calls, as needed. These conference calls may involve individual state teams and their identified stakeholders to provide state-specific information, or they may involve multiple state teams to provide additional educational opportunities and foster information exchange among them.
- 7. **One-stop project clearinghouse**. Participating states will contribute to a one-stop project clearinghouse developed and maintained by the Partners; and commit to sharing relevant information to facilitate peer learning. The Partners will maintain a web page that provides public access to reports and materials, ready for public consumption, generated through this project, including, but not limited to, the national occupational licensing report, a legislative tracking database, a final report, as well as state-generated information. This information will be readily available to the public and the Project Partners will disseminate materials to wider audiences, such

- as to all state legislators, governors' education and workforce policy advisors and agency leaders, and other relevant stakeholders, when appropriate.
- 8. **State action plan development and implementation**. Participating states will create an action plan that will drive the technical assistance and other activities in the Consortium. Each state will identify the categories of occupations, the specific occupations or the aspects of licensure regulation that they will address in their action plan. At the initial multi-state meeting, states with similar goals will be grouped together in breakout sessions to enhance peer learning. It is very important that this process be "state driven" to achieve state stakeholder buy in and, eventually, implementation of their action plan. For example, a state in the consortium could choose to focus on occupational licensing portability for the health care sector occupations only, on regulation of criminal conviction records for licensure eligibility across all sectors, or they may choose to work on both of these issues simultaneously. The Partners will assist the states in the Consortium to develop the most relevant action plan through active facilitation of the state team deliberations.
- 9. **Interstate licensure compact resources and guidance**. Compacts can aid states in the eradication of barriers to license reciprocity and license portability. Up to three states participating in the Consortium will have the opportunity to request assistance from CSG's National Center for Interstate Compacts (CSG NCIC) to begin work on the creation of a licensure compact related to a specific occupation selected by the state team in years two and three.
- 10. **Submit quarterly progress reports.** Each participating state will be required to submit quarterly progress reports to the Partners beginning in January 2018. The progress reports will include a narrative describing the state's activities during the previous quarter and corresponding accomplishments, challenges encountered, and solutions. The Partners will provide the team leader with a template and more detailed requirements for the quarterly reports by the launch of the Consortium.
- 11. **Submit final summary and lessons learned report.** At the conclusion of the Consortium, participating states will be required to submit a written narrative report that summarizes the team's accomplishments and challenges to date, demonstrates progress as measured by short and long-term indicators, and outlines future plans to sustain the work. The Partners will provide the team leader with a template and more detailed requirements for the report by within 90 days of the end of the Consortium.

EXPECTED BENEFITS FOR STATES PARTICIPATING IN THE CONSORTIUM

Selected states should realize several benefits from participating in the Consortium, including:

- Access to Partner staff experts and other national subject matter experts, including through the Consortium's Panel of Experts;
- Access to other states and organizations to identify best practices and share lessons learned;
- Opportunity to strengthen relationships among key policymakers across the state; and
- Formation and implementation of a state action plan that focuses on removing barriers to labor market entry and improves portability and reciprocity for select occupations.

REQUIRED APPLICATION CONTENT AND SELECTION CRITERIA

Each state's application must contain the following items, which are described in more detail throughout this section:

- 1. Cover sheet for the state or territory's application packet.
- 2. Letters of support on agency letterhead from each of the following: the governor, the leader of the state's workforce agency, and legislative leadership (Senate President, Speaker of the House or chair of a relevant committee). States should also consider providing letters of support from administrative agencies or boards involved in occupational licensing, where such support is relevant to a state's plan. Only one application can be submitted per state, which necessitates that each of the entities above must elect to support a single application.
- 3. The application narrative that outlines why and how participation in the Consortium will help the state achieve its goals towards improvements in occupational licensing; a summary of the current occupational licensing framework in the state; the vision for changing the state's occupational licensing framework; goals and preliminary outcomes for the state's participation in the Consortium; a description of the state's proposed strategies and activities to reform its occupational licensing approach; the sustainability strategy to maintain momentum through the entire period of performance and through any in-state leadership transitions; a list of the proposed members of the core and home teams; and a commitment to carry out the required state activities outlined above.

The narrative portion of the application cannot exceed **15 pages**. Use the following guidelines when preparing the application narrative: one-inch margins, single spaced text, and 11-point font or larger. The cover sheet, letters of support, and appendices are not considered part of the application narrative and thus do not count toward the 15-page limit. The entire application packet should be submitted to the NGA Center as a **single PDF document**.

COVER SHEET

Please include the name of the state, contact information for the designated team leader and the primary contact person who will be responsible for the day-to-day management of the Consortium activities. Contact information should include title, mailing address, telephone number and email address.

AGENCY SUPPORT LETTERS

Each state must include a letter of support on official letterhead from each of the following, indicating their support for the state's application to participate in the consortium:

- The governor;
- The leader of the state's workforce agency; and
- Legislative leadership (Senate President, Speaker of the House or chair of a relevant committee).

As appropriate, applicants may also elect to include letters of support from the appropriate state licensing board(s) or agency(ies) for the target occupations they have selected.

Each letter should briefly outline the entity's goals for and role in the Consortium, and should identify the entity's representative on the Consortium core team and that person's expertise related to the project. If a state does not include letters of support from all relevant stakeholders, it will lose points in the application scoring process. Only one application can be submitted per state, which necessitates that each of the entities above must elect to support a single application.

APPLICATION NARRATIVE

Following is a summary of required content for the application narrative and scoring values assigned to each category for the selection process. Each application can receive up to 100 points in the selection process. The narrative portion of the application cannot exceed the **15-page limit**. Use the following guidelines when preparing the application narrative: one-inch margins, single spaced text, and 11-point font or larger. If applicable, the application narrative should directly address the possibility of political transition and strategies for sustaining the state's participation under new administration or legislative leadership.

1. Summary of Current Occupational Licensing Framework (10 points)

Provide a brief description of the current occupational licensing framework in the state. For example, states may provide context related to the range of occupations that require licensure in their state, the governance structures in place related to occupational licensing, the status of interstate compacts, and recent activity related to assessing occupational requirements and updating relevant state policies.

2. Vision, Goals and Preliminary Outcomes (20 points)

Provide a statement explaining why and how participation in the Consortium will help the state achieve its goals related to occupational licensing, including: the vision for assessing the state's occupational licensing framework; and goals and preliminary outcomes for the state's participation in the Consortium. Descriptions should include responses to the following questions:

- How will participation in the Consortium help your state increase the portability of licenses and reduce unnecessary barriers to labor market entry?
- What are your state's considerations in balancing possible beneficial aspects of existing occupational licensing frameworks, such as protecting the health and safety of consumers and adequate training of practitioners, with possible negative aspects of current frameworks such as barriers to labor market entry and worker relocation? How will your state balance these sometimes-competing considerations? How will your state consider and evaluate possible alternatives to the current licensing framework, as well as other regulatory alternatives to licensing such as certification, inspections, insurance/bonding and the like?
- What would success look like for the state in one year, three years, and five years?

3. Proposed Strategies and Activities (40 points)

Provide a narrative description of the state's proposed strategies and activities to improve its occupational licensing approach. Descriptions should include responses to the following questions:

- What are the occupations and/or categories of occupations that your state will focus on for this project and what is the rationale for these selections? As noted above, states are required to focus on at least four target occupations, a majority of which must be included among the target occupations referenced in the Learning Consortium Description above. States are welcome to include one or more other occupations that are particularly relevant to their state's occupational licensing landscape and unique needs in their proposed project work. Are there specific occupations where your state is interested in exploring reducing licensing barriers or exploring alternatives to licensing? Are there specific occupations that your state is interested in exploring interstate licensing compacts for, and if so, why?
- States are encouraged to focus on the needs and barriers to labor market entry of the following target populations for this project: veterans and military spouses and families, immigrants with work authorization, people with criminal records, and unemployed and dislocated workers. How will your state address labor market barriers for these populations, and what strategies will be employed to meet these populations' unique needs?
- What are the key aspects of licensure policy that your state will address in your action plan, and what do you hope to learn from peers and subject matter experts to inform these items?

4. Core and Home Team Membership (20 points)

Each state must form a leadership structure and process to direct the state's efforts to improve occupational licensing. Achieving improvement in licensure requires a collaborative approach across state government, including the governor, state legislature, and diverse agencies and oversight bodies. To reflect this reality, applicants will need to assemble diverse teams of staff that reflect these executive, legislative, and other organizational entities that play a key role in occupational licensing policy considerations.

- The **core team** should be a group of 6-10 individuals who take the lead in driving the state's work and will serve as the main group in contact with Partners. The state's attendees at the Consortium multi-state meetings will be drawn from the state's core team. Each member of the core team should be a senior-level official with sufficient authority to commit their organization to action. Each state's core team will be required to include a representative from each of the relevant stakeholders:
 - The governor's office;
 - o The state workforce agency; and
 - At least two state legislators who are chairs or serve on relevant committees, or relevant legislative staff.

States will have the option to include additional core team members from other agencies or systems that can help the state achieve improvement in occupational licensing. For example, states should consider including core team members from administrative agencies or boards involved in occupational licensing, where such support is relevant to a state's plan. The state will be given the option of identifying the state legislators or working with NCSL to recruit legislative participation.

• The **home team** should be a larger group of stakeholder organizations and individuals the state plans to engage to support and advance its efforts to improve occupational licensing. The size of the home team can be what the state deems best to involve all relevant stakeholders. The representation of the home team will be determined by each state in the Consortium, but possible members may include educational institutions, licensing entities, local scholars, policy research institutes, and industry, business, or professional associations. In general, home team members will not travel to the Consortium multi-state meetings but rather will support the state's work within the state.

This section of the application should outline the state's core team membership:

- Identify each senior staff person selected to serve on the Consortium core team. Provide each person's name, title, organization, and contact information, along with a brief bio outlining the expertise each person brings to the cross-agency leadership team. Note that bios and related organizational information may be included in appendices that will not be counted against the application narrative's 15-page limit.
- Identify: 1) who has been designated to direct the core team's overall activities; and 2) the key person(s) responsible for managing the day to day activities of the state's participation in the Consortium.
- Demonstrate that there will be sufficient staff capacity to support the proposed Consortium activities.

In its application, the state should also identify planned members of its Consortium home team; including names and/or organizations of potential home team members. The state should describe how it plans to engage with its home team of broader stakeholders on an ongoing basis, including keeping the home team apprised of the state's activities and engaging the home team in specific components of the state's work.

5. Sustainability Strategy (10 points)

Describe the state's plan for maintaining momentum throughout the entire period of the Consortium and commitment from the cross-agency leadership team during the entire period of performance. Include transition planning activities that are required due to elections or anticipated changes in key leadership positions.

ELIGIBILITY

Participation in the Consortium is open to all states, commonwealths and territories.

SELECTION PROCESS

The Partners will name a panel of external subject matter experts and Partner staff to review and score the applications based on the criteria outlined above. The panel will make recommendations to the Partners on the states to be invited to participate in the Consortium, and Partners will make the final selection of states. The Partners will put a priority on selecting a diverse group of states for the Consortium, including large and small states, geographic and demographic diversity, diversity of political leadership, and other factors. This diversity will allow for a robust exchange of ideas between Consortium states and will help the Partners thoroughly explore and understand which strategies are effective in improving occupational licensing policy and practice. **States will be notified by September 29, 2017.**

APPLICANTS' WEBINAR

The Partners will host an applicants' webinar **on Monday**, **July 10**, **2017**, **from 3:30pm to 4:30pm ET** for states interested in submitting an application. Following are instructions for accessing the webinar:

Webinar Registration: https://tinyurl.com/StatesLicense

To join the webinar, register at the link above and follow login instructions. States must register in advance to receive the webinar call-in and web access link.

The purpose of the applicants' webinar is to provide clarifications about the requirements of the RFA and the Consortium. Participants can ask questions about the application content, criteria, and process.

SUBMISSION INFORMATION

All applications must be submitted to the NGA Center by **5:00 p.m. ET on Monday, August 21, 2017**. **Only one application per state or territory will be accepted.** Please assemble all of the state's application materials into a **single PDF document**. Use the following guidelines when preparing the application: one-inch margins, single spaced text, and 11-point font or larger. Submit the application packet to **Geoff King** (gking@nga.org).

DISCLAIMER

This request for applications is not binding on the Partners, nor does it constitute a contractual offer. Without limiting the foregoing, the Partners reserve the right, in their sole discretion, to reject any or all applications; to modify, supplement, or cancel the RFA; to waive any deviation from the RFA; to negotiate regarding any proposal; and to negotiate final terms and conditions that may differ from those stated in

the RFA. Under no circumstances shall the Partners be liable for any costs incurred by any person, state, or territory in connection with the preparation and submission of a response to this RFA.

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ATTACHMENT A: CONSORTIUM TIMELINE

Following is the tentative schedule for the Consortium:

July 10, 2017 at 3:30 p.m. ET	Applicants' webinar. The Partners will host a webinar for all interested states to learn more about the RFA process, application content, submission requirements, and to ask any questions.
August 21, 2017	Applications due by 5:00 p.m. ET
September 29, 2017	State selection announcement
October 13, 2017 at 3pm Eastern	Conference call for all selected states. The Partners will host a conference call with selected states and territories to orient them to the policy learning consortium and outline next steps.
December 4-6, 2017 in Tucson, AZ	First Cross-State Consortium Meeting All participating states will send a team to the first in-person meeting of the Consortium, featuring licensure experts and team time to develop state action plans
March 2018	Release of interstate licensure compact resources
Fall 2018	Second Cross-State Consortium Meeting All participating states will send a team to the first in-person meeting of the Consortium.
Summer 2019	Third Cross-State Consortium Meeting All participating states will send a team to the first in-person meeting of the Consortium.
2017-2019	Ongoing webinar series on policy issues regarding occupational licensing
2018-2019	Ongoing in-state technical assistance for consortium states
2017-2019	Ongoing blogs, newsletters and magazine articles on the project and licensure policy issues
December 2019	Final report on lessons learned and state progress on action plans
December 2019	Process established to develop licensure compact